

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LARRY KIRKLAND, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:22-cr-95-1
	)	1:23-cv-509
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On July 6, 2023, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 29, 30.) No objections were filed within the time limits prescribed by Section 636.<sup>1</sup>

The court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 29), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion on the proper § 2255 forms.

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<sup>1</sup> On August 8, 2023, Petitioner filed a corrected motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence, which is now proceeding as Kirkland v. United States, 1:22-cr-95-1; 1:23-cv-669. (See Doc. 31.)

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 25th day of August, 2023.

  
United States District Judge